



FISCAL MEMORANDUM

HB 485 - SB 589

February 13, 2023

SUMMARY OF BILL AS AMENDED (003950): Requires the application of points to a person's driving record for violations of the hands-free law. Effective January 1, 2024.

FISCAL IMPACT OF BILL AS AMENDED:

Other Fiscal Impact – To the extent that the required modifications to the Department of Safety's A-List system can be accomplished within available resources provided under the current vendor contract, the proposed legislation will not result in a significant increase in state expenditures. Otherwise, those modifications could result in a one-time increase in state expenditures of up to \$38,000 in FY23-24.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 55-8-199 prohibits a person from the following while operating a motor vehicle on any road or highway:
 - Physically holding or supporting with any part of the person's body a wireless telecommunication device or stand-alone electronic device;
 - Writing, sending, or reading any text-based communication, with certain exceptions;
 - Reaching for a wireless communication device or stand-alone electronic device in a manner that requires the driver to no longer be in a seated driving position or properly restrained by a safety belt;
 - Watching a video or movie on a wireless communication device or stand-alone electronic device other than viewing data related to the navigation of the motor vehicle; or
 - Recording or broadcasting video on a wireless communication device or stand-alone electronic device, with certain exceptions.
- A violation of the provisions above is a Class C misdemeanor, subject only to imposition of a fine not to exceed \$50, with certain escalatory clauses and exclusions.
- The proposed legislation requires points to be charged to a person's driving record as follows:
 - Seven points for a second or subsequent violation by a person who is younger than 18 years of age;

- Four points for a first or second violation if the person is 18 years of age or older; and
 - Five points for a third or subsequent violation if the person is 18 years of age or older.
- The proposed legislation will require some changes to the Department of Safety's (DOS) A-List software system and an interface that facilitates communication between the department and the Department of Revenue to be performed by the relevant vendor. It is assumed that these modifications can be accomplished by the vendor under the current contractual agreement without a need for additional expenditures; therefore, any fiscal impact to DOS is estimated to be not significant.
- However, if the scope of work required by this and other legislation subsequently enacted exhausts the relevant contract provision, the proposed legislation could result in an increase in state expenditures up to \$38,000 in FY23-24.
- Passage of this legislation is not expected to result in a decrease in violations or convictions of the hands-free law.
- The current value for using a handheld device while driving is three points for an adult and six points for a driver under 18 years of age. Increasing this value by varying degrees is not estimated to significantly impact suspensions or reinstatements of driver licenses.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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